

Local & Muni. (1899) Department.

MISCELLANEOUS.

G.O., No. 157 M.

DATED 4-2-99.

INDEXED.

DESPATCHED

[Despatch Abstract.]

Act's Local Declining with remarks to
approve the addition to the City of Madras
municipal act of the section proposed by
the Municipal Commissioners for the
purpose of preventing the adulteration
of articles of food & drink.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (189) Department.

CURRENT No. 3788 m

From The Offg. Secretary to the
Government of Bengal.

Order

No. 6868

Dated 7-12-78

Received 12-12-78

Registered

Enclosures 2

Spare copies.

SUBJECT.

Forwarding copy of a letter
from the chairman of the
corporation of Calcutta
containing information
in connection with the
working of Section 364 of
the Calcutta Municipal
Consolidation Act II of 1881.

Ref.
Please show me
after 2/12/78
CR
15/12

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal DEPARTMENT.
Municipal BRANCH.

No. 6868 M.

From
LOCAL & MUNICIPAL DEPT.
CURRENT No. 378

N. Baker Esq. C.S.
Secretary to the Government of Bengal,

To

The Secretary to the Govt. of Madras,
Municipal Department.
Dated Calcutta, the 7th December 1898.



Sir,

With reference to your letter No. 1694^m dated the 4th October 1898, requesting to be furnished with certain information in connection with the working of section 364 of the Calcutta Municipal Consolidation Act II of 1888, I am directed to forward a copy of a letter^s from the Chairman of the Corporation of Calcutta with enclosure which contains the information required.

* No 4821 dated
the 18th Novr/98

I have the honor to be
Sir,
Your most obedt. Servt.

B. J. Lee
for Offg. Secy. to the Govt.
of Bengal

Chairman,

Point (1). The procedure followed to work Sec: 364 of the Calcutta Municipal Act II of 1888 (1884 in the Madras Government letter is evidently an error) is for an Inspector of food, either in the course of his daily routine inspection or on suspicion of adulterated food being sold or on receiving complaint, to go to a place where articles of food are exposed for sale, and purchase a sample of such article as he suspects, or as has been reported, to be adulterated, to put the sample in a clean phial, seal the phial with a special seal and label it with the vendor's name and address and the date and hour of purchase in the presence of the vendor, and then to hand over the phial so sealed and labelled to the Municipal Analyst for analysis. If the article on analysis proves to be adulterated, he institutes prosecution against the vendor, citing the analyst as his chief witness. Altogether the section may be said to have worked fairly well. At times questions have been raised about the definition of an article and the standard of its purity, as well as the identity of the sample taken with that analysed, and difficulties have been met with in respect of the use of adulterated ghee or mustard oil in the preparation of food such as sweet meats intended for sale, when the ghee or mustard oil was not intended for sale per se. In English law (Sale of Food and Drugs Act 1875 Sec: 25) it is particularly laid down that the onus of proving ignorance shall rest on the defendant and is required to produce a warranty from the person whom he obtained the article, that it was the sa^{ture}

Substance, and quality as that demanded by the purchaser. The omission of the clause in question would make the Section a dead letter, as in the vast majority of cases it would be impossible for the prosecution to establish proof of knowledge.

Point (2). A staff consisting of four food Inspectors, an Analyst and an assistant Analyst with subordinates is employed for the detection and analysis of adulterated articles.

Point (3). The cost of the agency so employed, inclusive of all contingencies, is at present Rs 8,766 for the food inspection branch, with Rs 6,691 for the Analytical branch, annually, total Rs 15,457, the details of which are given below:

Food Inspection branch.

1. Food Inspector at 200	Rs 200
2. Food Inspector at 170	Rs 340
1. Food Inspector at 150	Rs 150
4. Orderlies at 7	Rs 28.
	Rs 718 monthly,
	or Rs 8616 annually.

Contingencies 150 "

Total Rs 8766. "

Analytical branch

1. Analyst at 220	Rs 220
1. Asst Analyst (a medical Inspector) acting as such) at 150	150
1. Cordinate at 10	10
1. " at 8	8
	Rs 388 monthly,
	or Rs 4656 annually.

Punkha cooly 35 "
Contingencies 2000 "

Total 6691 "

2768/11/98
Sd J.W. Cook
Health Officer
Calcutta Corp.
11.11.98

Enclosure of Bengal Government [Municipal Department.]

No. 6569 M of the 7th December 1898.

Copy of Letter No. 4824, dated Calcutta, the 18th

November 1898, from the Chairman of the Corporation of Calcutta to the Under Secretary to the Government of Bengal, Municipal Dept.

With reference to your letter No. 6110, M, dated the 17th ultimo, forwarding a copy of a letter No. 1694, M. Mis. with enclosures, from the Government of Madras, I have the honor to submit herewith a report by Dr. J. N. Cook, the Health Officer to the Corporation of Calcutta, furnishing the information referred to therein.

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G.O. No. 1094 of 4th Oct. 1898
L.C. No. 3788 M. of 98.

Legislation to prevent the
adulteration of articles of
food and drink.

LOCAL AND MUNICIPAL DEPARTMENT:

FOR ORDERS:

H.M.
(re-submitted)

W.T.
27/10/98

V. Please see the notes and orders
in G.O. No. 1695 M., dated 4th October 1898.

2. In reply to the reference made
to it, the Government of Bengal forwards
copy of a letter from the Chairman of the
Corporation of Calcutta, giving cover to a
report from the Health Officer of the Cor-
poration furnishing the required informa-
tion on the several points.

With reference to the first
point viz. the working of Section 364 of
the Calcutta Municipal Act, it is stated
that the procedure ordinarily followed is
for an Inspector of food to go to the
place where articles of food are sold and
purchase a sample of such article as he
suspects, or as has been reported, to be
adulterated, to put it in a clean phial,
seal it and hand it over to the Municipal
Analyst for analysis, that if on analysis,
the article is found to be adulterated,
the Inspector prosecutes the vendor, citing
the analyst as a witness and the alto-
gether the Section may be said to have
been

3788 M. of 98

worked fairly well, although at times, questions have been raised about the definition of an article and the standard of its purity as well as the identity of the sample taken with that analysed, and difficulties have been met with in respect of the use of adulterated ghee or mustard oil in the preparation of food, such as sweetmeats intended for sale, when the ghee or mustard oil was not intended for sale per se. With reference to the proposal of the ^{Madras} Commissioners to omit the words "the vendor was ignorant of the nature, substances or quality of the articles sold by him or that" from Section 364 of the Calcutta Municipal Act, which they have resolved to adopt, it is pointed out that the omission of this clause would make the Section a dead letter, as in the vast majority of cases it would be impossible for the prosecution to establish proof of knowledge.

The establishment entertained for the inspection of food in Calcutta consists of four Inspectors on the salaries noted in the margin and four orderlies on Rs. 7 each per mensem, while for the analysis of these goods, an Analyst on Rs. 220, an Assistant Analyst on Rs. 150, and two subordinates on Rs. 10 and Rs. 8 respectively are employed. The total cost of these agencies together with contingencies &c. is stated to be Rs. 15,457 per annum. Considering however the great difference in size between Calcutta and Madras, it is possible that two food Inspectors on Rs. 150 each

of course
H.T.

- 1. Food Inspector . . . Rs. 200 ✓
- 2. " Inspectors . . . Rs. 170 each.
- 1. Food Inspector . . . Rs. 150 ✓

I doubt whether this
would suffice.
Then there is the
laboratory, &c.
fitting.
H.T.

each and one Analyst on Rs. 200 will suffice for Madras, and assuming this to be the case, the probable annual expenditure on account of food inspection &c. will be Rs. 8,757 ^{or} say Rs. 9,000 in round numbers. In the present state of the Municipal finances, it is hardly likely that the Commissioners will be able to incur this expenditure. It is therefore submitted that the Commissioners may be asked to state whether they are prepared to meet the extra cost which the employment of an agency for the inspection and analysis of adulterated goods will involve and also to reconsider their resolution about omitting the clause "the vendor was &c. . . ." from Section 364 of the Calcutta Act, in the light of the remarks of the Health Officer of Calcutta.

12/1/99
H.T.

I still think the emasculated proposals of the Comm^{rs} are worthless & may be at once vetoed as such.

H.T.
12/1/99.

I agree - but it will be well to let the C^o know the cost of working the Sects. in Calcutta.

H.T. 30.1.99

F.A.
H.T.
31.1.99

Legislation to prevent the adulteration
of articles of food & drink

W
Again go to 1694 M. dated 4th Octo
1898 and CN. 37 88 M of 1898

Mac
Order. No. 157 Nuis 84/2/99

The Government Considers
that the ^{from the proposed Section} omission of the words
"the vendor was ignorant of the
"nature, substance or quality of the
"articles sold by him or that" from
the ~~proposed additional Section~~
would ^{the section obligatory} make it a dead letter, as in
the vast majority of Cases ^{would} be impossible for the prosecution
to establish proof of Knowledge.
The addition of this Section to the
Act as proposed by the Commissioners
cannot therefore be approved!

2. An extract from a letter to
the chairman of the Calcutta Munici-
-cipal Corporation from its Health
officer, showing the cost of
working Sec. 364 of the Calcutta
Municipal Act in that City will
be furnished to the Municipal
Commissioners.

The President, Municipal Commⁿ Madras
(with an extract from the letter
from Health Officer to the Ch of
the Corporation of Calcutta)
Des^d 7/2/99

From orders
1/1
3-29

When given for copying _____
When copied _____
When examined _____ 189
When signed _____ 6/2

READ AGAIN G.O. No. _____, DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.